

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 8
999 18TH STREET - SUITE 500
DENVER, CO 80202-2466
<http://www.epa.gov/region08>

MAR 22 2000

Ref: ENF-L

Timothy J. McManus
Frederick Ross Company
717 Seventeenth Street, #2000
Denver, CO 80202-3323

Dear Mr. McManus:

I am writing to follow-up on our conversations and correspondence concerning property you own at 4300 Brighton Blvd., Denver, CO. You have requested that we provide you with whatever assurance possible concerning the need for environmental cleanup actions at the property. In order to meet that request, the U.S. Environmental Protection Agency ("EPA") has performed an expedited, although by necessity, limited sampling effort to determine the nature of contamination, if any, that may exist at the property. EPA has previously sent to you the results of that investigation.

Based on the relatively low levels of contaminants in soils that were sampled adjacent to the building and on the planned future use of the property (commercial-industrial use including the continued presence of the building itself), EPA does not believe any federal cleanup action to address direct contact threats will be necessary on the uncovered portion of your property. If the future use of the property were to change to residential or if the building should be removed, EPA would need to perform further evaluation before drawing any conclusions about the need for cleanup.

The limited amount of ground water data available has, unfortunately, left EPA with more questions than answers. This data indicates that there are elevated levels of heavy metals in the ground water below the property. The ground water flow, however, is towards the former smelter location, not emanating from it. Thus, the contamination in the ground water below the building is not likely from the adjacent smelter property and is arising from another source. Given the property's proximity to, and prior ownership by the smelter, EPA can not at this time rule out a potential source below the building.

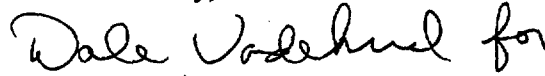
If you wish for EPA to provide you with a greater level of reassurance, you should consider performing a Phase II level investigation of the property, including sampling under the



building. Such an investigation should be closely coordinated with EPA to ensure that the data obtained can be used by EPA in evaluating the appropriateness of any such reassurances.

If you would like to proceed with further investigatory activities, please call Dale Vodehnal at (303) 312-6761 to arrange coordination with EPA. In addition, as I indicated to you earlier, EPA would be willing to meet with your prospective purchaser to answer whatever questions it might have. Just contact Mr. Vodehnal if you wish for such a meeting to occur.

Sincerely,

A handwritten signature in cursive script that reads "Dale Vodehnal for".

Max H. Dodson
Assistant Regional Administrator
Office of Ecosystem Protection and Remediation